

Theme 2

Law and Regulation and long-term responsibilities on preservation of memory in society

RK&M preservation over generations is equally important at other disposal sites containing non-radioactive, long-lived hazardous wastes. Thus, different actors, like policy makers, regulators, implementers, environmental groups, local communities, researchers etc., have a common interest that benefits from a holistic and systematically RK&M preservation approach. Preparing regulations that support RK&M preservation needs therefore to be coordinated between many actors. Also, it needs to be determined on which level regulations on RK&M preservations could be adopted with regards to frame law and supplementary ordinances and administrative provisions that would define the regulatory guidance (frame law). The first step towards a holistic and systematic approach would be to identify the key actors in developing regulatory guidance on RK&M preservation regarding disposal sites containing long-lived hazardous wastes.

1. Should a principle regarding preserving awareness formulated in law, e.g. a requirement that oversight of a repository legacy, and of any other long-term legacy, should not be relinquished after closure?
2. What measures taken to preserving awareness is suitable for regulation? Archiving, monitoring, markers, time capsules, cultural heritage, knowledge management, repository records etc.?
3. On which level specific regulations relating to RK&M preservation could be developed with regard to frame law, supplementary ordinances and administrative provisions?
4. Which actors needs to be involved in the outreach past the radioactive waste management community? Policy makers, regulators, implementers, environmental groups, local communities, researchers etc.
 - i. How can these actors be structured? Who would do what and with which authority and funding?

For as long as the site of a long-term waste management facility is under institutional control, a successive transfer of information and knowledge across generations can, at least potentially, persist. After closure of a repository, even if there is no licensed operator for the facility, the institutional control will continue, but there might be a transfer of responsibilities. This handover of responsibilities imposes a risk of losing information and knowledge. Considering the amount of information and knowledge, this handover of responsibilities is a challenge, which needs to be addressed:

5. How can or should the transfer of responsibilities be done, e.g. archiving, monitoring?
 - i. What are the good practices to keep in mind?

When the post-closure responsibility is determined, another question is who should be responsible. It's not per se necessary that the regulating authority to the previous licensing body should shoulder the long-term responsibility. One example how it's assured that post-closure responsibilities are met for sites containing long-lived hazardous wastes is the establishment of the Office of Legacy Management in U.S. Department of Energy. Thus, there are experience with the post-closure responsibilities at sites contaminated with long-lived hazardous waste.

6. Do we agree that there are synergies to be found in consolidating the responsibility that assures that post-closure responsibilities are met at deposal sites for long-lived hazardous wastes?
 - i. What are the good practices to keep in mind?